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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,898	12/29/2005	Philip Steven Newton	NL 030770	6923

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BRIARCLIFF MANOR, NY 10510

EXAMINER
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INGVOLDSTAD, BENNETT

ART UNIT	PAPER NUMBER
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2427

MAIL DATE	DELIVERY MODE
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10/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,898	<b>Applicant(s)</b> NEWTON ET AL.	
	<b>Examiner</b> Bennett Ingvoidstad	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-14 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10 July 2008 have been fully considered but are not persuasive.
2. Applicant argues the rejection of previously-filed claim 4, now incorporated into claim 1. The claim requires the reception of "information identifying an interactive television application that caused the recording of said interactive television content." The Rakib reference teaches using TCP/IP ports to identify an application to which received data should be routed. Applicant argues that TCP/IP ports do not identify applications, because multiple applications can use a single TCP/IP port. Remarks, page 6.
3. The examiner agrees that, in general, multiple applications can use a single TCP/IP port and that, therefore, a specific port does not inherently identify a specific application. However, the cited portion of Rakib [para 0167] refers to a system in which applications do correlate to port numbers: the data "is then routed to the processes identified in the port identifiers of the IP packets for further processing." That is, a process correlates to a port number.
4. Leporini teaches a multi-application system [para 0133] in which applications request content data for recording [para 0345]. Therefore, combining Leporini's system comprising applications requesting content data for recording with Rakib's system for tagging requested data with port identifiers indicating the applications to which they are

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directed meets the limitation “wherein said identification information comprises information identifying an interactive television application that caused the recording of said interactive television content”.

5. Therefore the previous rejections are upheld.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 9, 10, 13, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leporini (EP 1182874 A1) in view of Rakib (US 2004/0181811 A1).

Claim 1: Leporini discloses a method of recording [para 0103] and/or playback [para 0001, 0002] of recorded interactive television [para 0021], comprising tagging of recorded interactive television content with identification information for access control to the recorded interactive television content (associating content management information [para 0014] and conditional access information [para 0016] with stored contents [para 0034]).

Leporini does not further disclose said identification information being information identifying said application that caused the recording.

Rakib discloses a method for transmitting interactive data using a management and control identification information that identifies an application to which data is directed by identifying a TCP/IP port number associated with the application [para 0167].

It would have been obvious to have used TCP/IP port numbers as taught by Rakib with the method of Leporini for the purpose of establishing connections between applications requesting data and the data server in order to direct content for recording [Leporini para 0345] to the proper requesting applications [Leporini para 0133] using TCP/IP packets.

Claim 2: Leporini further discloses the method according to claim 1, wherein said interactive television content is audio/visual content associated to said interactive television application [para 0133, 0134].

Claim 9: Leporini further discloses the method according to claim 1, wherein said interactive television content is recorded as files [para 0032].

Claim 10: Leporini further discloses the method according to claim 9, comprising storing said interactive television content, said interactive television application and said identification information in separate files [para 0032].

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Claim 13: Leporini further discloses the method according to claim 1, said interactive television content being at least one audio/visual (e.g., a game [para 0345]) stream [para 0149].

Claim 14: Leporini further discloses a computer-readable medium having embodied thereon a computer program for processing by a computer, the computer program, when used, being for performing the method according to claim 1 [para 0132], comprising

a code segment for tagging of recorded interactive television content with identification information for access control to the recorded interactive television content (associating content management information [para 0014] and conditional access information [para 0016] with stored contents [para 0034]).

Claim 17: Leporini further discloses an apparatus for recording and/or playback of recorded interactive television, comprising:

- a memory for storing interactive television content [para 0103].
- a central processing unit, conceived to tag recorded interactive television content with identification information for access control to the recorded interactive television content [para 0065].

Leporini does not further disclose said identification information being information identifying said application that caused the recording.

Rakib discloses a method for transmitting interactive data using a management and control identification information that identifies an application to which data is directed by identifying a TCP/IP port number associated with the application [para 0167].

It would have been obvious to have used TCP/IP port numbers as taught by Rakib with the method of Leporini for the purpose of establishing connections between applications requesting data and the data server in order to direct content for recording [Leporini para 0345] to the proper requesting applications [Leporini para 0133] using TCP/IP packets.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leporini (EP 1182874 A1) in view of Rakib (US 2004/0181811 A1) and Levy (US 6505160 B1).

Claim 5: Leporini in view of Rakib does not further disclose the method according to claim 3, said identification information being information identifying broadcaster who broadcast said application and said recorded interactive television content for recording.

Levy discloses a method of linking identification information to broadcast content by including a broadcast identifier in the identification information [col. 3, l. 23-48].

It would have been obvious to have used a broadcast identifier in the identification information as disclosed by Levy for the purpose of linking the

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identification information to the broadcasted application and television content [Leporini para 0065].

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leporini (EP 1182874 A1) in view of Rakib (US 2004/0181811 A1) and Yap (WO 01/82588 A2).

Claim 6: Leporini in view of Rakib does not further disclose the method according to claim 2, comprising indicating to a play-back application for playing back interactive television content which other interactive television content stored on a storage medium is related to said play-back application by means of said identification information.

Yap discloses that content may be associated with tags specifying related programs [para 0058].

It would have been obvious to have modified the identification information disclosed by Leporini to include related program information as disclosed by Yap, for the purpose of indicating related program data such as different sections of a content [Leporini para 0015].

Claim 7: Leporini in view of Rakib and Yap further discloses the method according to claim 6, comprising said play-back application allowing a user to navigate between a plurality of said stored related interactive television content



(either in conjunction with the program guide [Yap para 0059] [Leporini para 0134] or through sequential playback of related sections of a single content [Leporini para 0175]).

10. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leporini (EP 1182874 A1) in view of Rakib (US 2004/0181811 A1) and Nozue (US 5890189).

Claim 8: Leporini does not further disclose the method according to claim 1 comprising controlling access to said recorded interactive television content in such a manner that recorded interactive television content may only be deleted or modified by an application that recorded said interactive television content.

Nozue discloses a memory management method that ensures that only programs containing rights to a selected section of memory may access that section of memory [Abstract].

It would have been obvious to have used the memory management method with the method of Leporini in view of Rakib to restrict memory access only to programs that have allocated the memory (i.e., the program that recorded the content [Leporini para 0133, 0134, 0198]) for the purpose of protecting memory from unauthorized access or modification [Nozue Abstract].

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Claim 11: Leporini further discloses the method according to claim 10, wherein said identification information is stored in an info file (management file [para 0198]) being linked to at least one interactive television application (contents [para 0198] are linked to applications, e.g. game content [para 0345] to game applications [para 0134]) on said storage medium [para 0198].

Leporini in view of Rakib does not specifically disclose that the information is stored in a table with related interactive television content to said interactive television application.

Nozue discloses a table relating content to an application that has access to the content (an access control list attached to the address table [Abstract]).

It would have been obvious to have used the memory management method of Nozue with the method of Leporini in view of Rakib for the purpose of protecting memory from unauthorized access or modification [Nozue Abstract].

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leporini (EP 1182874 A1) in view of Applicant's admitted prior art.

Claim 12: Leporini in view of Rakib does not further disclose the method according to claim 1, wherein said interactive television is MHP.

Applicant discloses that MHP was a well-known standard for interactive television [Applicant spec. pg. 1, l. 1-11].

It would have been obvious to have modified the interactive television method of Leporini to conform to the MHP standard for the purpose of using a popular interactive television standard [Applicant spec. pg. 1, l. 1-11], thus ensuring compatibility with other devices.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bennett Ingvaldstad/  
Examiner, Art Unit 2427

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427